

# Alternatives to prison for drug offenders in Belgium during the past decade

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## ABSTRACT

**Objective:** Imprisonment has a more pronounced criminogenic effect on drug offenders than on other types of offenders. Additionally, little research has been conducted on the practical application of drug-related alternatives to prison. Therefore, this study describes drug-related alternatives to prison in Belgium over a ten years' period since 2005.

**Methods:** The applied drug-related alternatives to prison ('probation', 'conditional release', 'mediation in criminal cases', 'community service' and 'electronic monitoring') were subject to a secondary data analysis of the database of the Houses of Justice.

**Results:** Men, the age group of 16–24 years old and Belgians are most sentenced to alternatives to prison. Nevertheless, 38% of women are guided towards 'probation' while 8% is 'mediated in criminal cases' compared to 30% and 5% of males respectively ( $p < .001$ ). 26% of non-Belgians are involved in 'conditional release' and 'electronic monitoring' compared to 22% and 16% among Belgians ( $p < .001$ ) respectively. With regards to age, 21% of the offenders older than 24 years are involved in 'electronic monitoring' compared to 6% among the offenders younger than 25 years ( $p < .001$ ).

**Conclusions:** The results highlight differences in punishment judgments by age, gender and nationality that continues to be indicative for perceived threat, danger and culpability of the offenders.

## 1. Introduction

### 1.1. Imprisonment of drug offenders

Drug offenders in prison mainly represent the lower levels of the illicit drug chain with a high proportion of drug users, drug dealers and drug traffickers characterized by processes of social and economic marginalization (Csete et al., 2016; Shammas, Sandberg, & Pedersen, 2014). These individuals often take most of the risks in the actions on drug trading and purchases and therefore are more vulnerable to arrest. They may be considered as expendable and replaceable by the higher layers of the illicit drug chain (Desroches, 2007). Usually, low level drug offenders know little about the operational level of those individuals higher up the chain of the drug market. The latter most often operate autonomously and in isolation and so is heavily reliant on secrecy (Benson & Decker, 2010; Desroches, 2007). Within the drug structure, it is very difficult for people on the lower level to betray the upper level of the illicit drug chain (Desroches, 2007).

The effectiveness of imprisonment on lower-level drug offenders has been questioned. First, imprisonment of lower-level drug offenders will hardly hamper the activities of the illicit drug market as long as the

higher management is still intact (O'Callaghan, Sonderegger, & Klag, 2004). Second, punitive responses such as imprisonment have rarely shown to enable rehabilitation (Mitchell, Cochran, Mears, & Bales, 2017). Moreover, previous research showed that drug offenders who are sentenced to prison even have the highest recidivism rate and re-offend also more quickly than other type of offenders (Spohn & Holleran, 2002). Third, Offenders' reintegration into society is often affected by stigmatisation and this may reduce their chances for establishing personal relationships and for finding employment and housing. Fourth, due to this inadequacy of imprisonment, society is confronted with enormous financial costs (Taxman, 2010). Fifth, imprisonment also disregards the individual needs and motivations for engaging in drug offences (Bull, 2005; O'Callaghan et al., 2004). Sixth, individual attitudes towards sanctioning and the sanction experiences are not taken into account by the prison system (Augustyn & Ward, 2015). Imprisonment is hence considered to have unintended negative consequences for both offenders and society (Mitchell et al., 2017; O'Callaghan et al., 2004).

Criminologists such as Tonry, Hirschi and Gottfredson argue against punitive responses and its ability to deter criminal behaviour (Payne, Gainey, Triplett, & Danner, 2004). Longitudinal studies suggest that a

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change in living circumstances and conditions, such as recovering from traumas or difficult experiences, having a stable, intimate relationship and the engagement in pro-social activities including education and employment, are major general predictors of desisting from crime (Hammersley, 2011).

### 1.2. Alternatives to prison

Alternatives to prison (ATP) do not rely upon punishment or retaliation, but have a protective and rehabilitative objective (Gainey, Steen, & Engen, 2005). Rather than impose a process of isolation, ATP aim to reintegrate offenders by implementing penal sanctions within the community (United Nations Office on Drugs and Crime, 2006). This approach limits the time spent in prison and creates the opportunity to improve various life domains, such as housing, employment, social environment and leisure time through empowerment of offenders (De Wree, Pauwels, Colman, & De Ruyver, 2009; Gainey et al., 2005; Wenzel, Longshore, Turner, & Ridgely, 2001). Drug offenders are generally in need of a variety of health interventions because they have generally limited contacts with treatment and other health or social services (Wenzel, Turner, & Ridgely, 2004). These specific personal needs are much more difficult to target during imprisonment. Therefore, ATP theoretically reduce future offending rates compared to a one-size-fits-all approach such as imprisonment (Caudy et al., 2015). The supervision of offenders within the community is also expected to be much cheaper compared to imprisonment (Spencer, 1995; United Nations Office on Drugs and Crime, 2006).

### 1.3. The Belgian situation

In 1990, the Belgian criminal justice system introduced a variety of initiatives to divert offenders from prison for various type of offences through ATP (Maes, 2004). From 1998 onwards, Houses of Justice (cf. Belgian terminology for Probation Services) were introduced in all judicial districts in order to supervise the execution of the ATP (Snacken, 2007). The Houses of Justice investigate by a social inquiry whether ATP are appropriate and how they can be applied in a specific situation. After the social enquiry, the ATP - that has been applied for a specific case - is monitored during a certain period which varies case by case (De Ruyver et al., 2004; Jonckheere, 2012).

In accordance with the European Union (EU) strategic plan and action plan, the Belgian government has provided since the years 2000 the opportunity for drug using offenders to be diverted to treatment in the community rather than imprisonment (Colman et al., 2011). Several local pilot projects at prosecution and court level have been introduced to facilitate ATP. Such projects aim to reduce substance use in order to prevent future drug-related crime without removing the offenders from society (Seigny, Fuleihan, & Ferdik, 2013; Wittouck, Dekkers, De Ruyver, Vanderplassen, & Vander Laenen, 2013). Some of these projects focus only on drug offences while others include all type of offences when an underlying drug problem is identified. These pilot projects emphasise treatment possibilities but the involvement of the Houses of Justice is optional (Colman et al., 2011).

Despite the existence of ATP, sentences (mainly imprisonments and fines) related to drug offences have increased by an estimated 17% over the past decade, whereas the total number of sentences for all offences decreased by an estimated 38% (Service de la politique criminelle, 2017). Although studies on the usefulness of ATP are conducted in the past, little is known about how these alternatives are actively applied in relation to drug offences (European Monitoring Centre for Drugs and Drug Addiction, 2015). In this study, data about ATP for drug offences in Belgium are analysed over a period of ten years, 2005–2014. As different factors linked to perceived threat, danger and culpability of the offenders are important in the punishment judgement processes, the underlying motivation of this paper is to contextualize the practices related to ATP over time and in relation to different demographic

characteristics.

## 2. Methods

### 2.1. Case definition

ATP are defined as measures of the criminal justice system taking place outside prison (European Monitoring Centre for Drugs and Drug Addiction, 2015); and hence reduce or remove the time of offenders spent in prison (Gainey et al., 2005). This terminology is chosen because the Houses of Justice assume that a traditional judicial approach such as imprisonment should only be applied as a last resort (De Valck, 1999; Snacken, 2007; Willemssen, Declercq, & Dautzenberg, 2006). In the present study, ATP are considered to be the actions of judicial support and counselling (e.g. supervising someone's conditions to comply with) by the Belgian Houses of Justice. 'Probation', 'conditional release', 'mediation in criminal cases', 'community service' and 'electronic monitoring' were further analysed (see Box 1: overview of the ATP in Belgium). 'Detainees released on trial', 'provisional release' and 'parole after imprisonment' are not included in this study, because these actions are included within a broader category 'penitentiary'. Based on the available data, a further break-down of the latter was not possible. Additionally, the pilot projects at prosecution and court level for which the Houses of Justice were consulted were also included in this study. Nevertheless, it was not possible to identify these cases of the specific pilot projects in particular because these are classified under the broader definitions of the ATP described above.

#### Box 1

Overview of the alternatives to prison in Belgium.

Different ATP exist at prosecution level, sentencing level and at the level of the execution of sentences (De Ruyver et al., 2007):

- *Probation* was introduced in 1964 (Loi 29 juin 1964, MB 17-07-1964). A judge can choose to suspend the sentencing or delays the execution of the sentences under certain conditions.
- *Conditional release* was introduced in 1990 (Loi 20 juillet 1990, MB 14-08-1990). It is an alternative of pre-trial detention. In certain circumstances, the prosecutor can decide not to take a suspect into custody. The suspect has to comply with specific conditions for a certain period.
- *Mediation in criminal cases* was introduced in 1994 (Loi 10 février 1994, MB 27-04-1994). The prosecutor can decide in agreement with the suspect and the victim to recover the caused harms. Additional conditions such as compensation, treatment, formation, service, reprimand, amicable settlement can be imposed
- *Community service* as principal penalty was introduced in 2002 (Loi 17 avril 2002, MB 7-05-2002). This action consists of taking up unpaid work for the benefit of society for a determined period of 20 up to 300 h. The suspect has to give a formal agreement to the judge
- *Electronic monitoring* was introduced in 2000 after a pilot project, but got only a legal basis in 2006 (Loi 17 mai 2006, MB 15-07-2006). A part of the prison sentence is executed in the community but controlled by wearing an ankle tag. Elements of control and rehabilitation, such as restrictions to leave the house or the commitment to look actively for a professional occupation or to participate in a therapeutic programme, are combined in the sentence (Beyens & Roosen, 2013). Since the 1st of May 2016, electronic monitoring can be imposed as a principal penalty as well (Loi 7 février 2014, MB 28-02-2014).

For all ATP described above, a prison sentence can be imposed in case the suspect does not agree or comply with the imposed conditions (De Ruyver et al., 2007).

The database of the Houses of Justice (SIPAR) is the common database of the Houses of Justice and was used to identify drug-related ATP. This database uses a single specific code (code 60) to register offences related to the use, possession, trade and import of illicit drugs. Other offences, such as violence or burglary caused or influenced by illicit drugs, are differently coded and can unfortunately no longer be linked to illicit drugs (Guillain & Delterne, 2012). Moreover, code 60 remains a global category and consequently, it was not possible to separately analyse the data about use, possession, trade and import of illicit drugs or to analyse the offences by type of drug (Jonckheere & Vanneste, 2009).

## 2.2. Study design and data analysis

The SIPAR database was established in 2005 (Jonckheere & Maes, 2010). All activities and tasks of the Houses of Justice are systematically registered within the database. After data registration, quality controls are performed by the data managers of the Houses of Justice in order to detect and adapt incorrect inputs. The database is mainly used for management purposes (e.g. related to the workload and partner organisations) and policy support (e.g. monitoring of quality standards).

Five variables were included in this study, namely type of ATP, sex, age, nationality and year of application. Although it is recommended to examine other demographic backgrounds such as socioeconomic status as well (Wermink, Johnson, Nieuwebeerta, & de Keijser, 2015), only 72% of the economic status was available. Therefore, it was decided to exclude this category for further analyses. Various ATP were compared with each other by chi-square tests and  $p$ -values  $< .05$  were regarded as statistically significant. The results of the analysis of these ATP over a period of ten years are presented with the corresponding 95% confidence interval (CI).

## 3. Results

### 3.1. Description of alternatives to prison for drug offences

Between 2005 and 2014, 51,033 ATP were monitored by the Houses of Justice because of drug offences. This accounts for 33% of the drug offences entering prosecution level and 17% of all ATP.

Among these drug-related ATP, 'probation' is imposed most often (31%), followed by 'conditional release' (24%) and 'community service' (23%) (Table 1).

In 88% of the cases, a Belgian nationality was recorded. The majority of the sentenced offenders were male (88%) and most of the ATP for drug offences involved people younger than 35 years (36% in the age group 18 yrs. – 24 yrs. and 40% in the age group 25 yrs. – 34 yrs).

The distribution of the ATP by gender is described in Fig. 1. These results show a statistically significant association between the type of ATP and gender ( $p < .05$ ). Women are guided more often towards 'probation' (38%) and 'mediation in criminal cases' (8%) than men (30% and 5%;  $p < .001$  respectively). On the contrary, men are more often involved in 'community service' (23%) and 'electronic monitoring' (16%) than women (21% and 11%;  $p < .001$  respectively). Men are also more often involved in 'conditional release' than women, but the gender difference is small (24% of men compared to 23% of women;  $p < .05$ ).

A statistically significant association was also found between the type of ATP and age ( $p < .001$ ). The results presented in Fig. 2 show that the youngest age group is guided more often at the level of prosecution ('conditional release' and 'mediation in criminal cases'; 35%)

than the older age group (27%;  $p < .001$ ). The youngest age group is more involved in 'conditional release' (28%), 'community service' (27%) and 'mediation in criminal cases' (8%) compared to the older age group (respectively 22%, 21% and 5%,  $p < .001$ ). The older age group is more involved in 'electronic monitoring' (21%) compared to the younger age group (6%,  $p < .001$ ).

The results presented in Fig. 3 indicates a statistically significant association between the type of ATP and nationality ( $p < .001$ ). Belgians are guided more often for 'probation' (34%) and 'mediation in criminal cases' (6%) compared to non-Belgians (24% and 4%;  $p < .001$  respectively). Non-Belgians are more involved in 'conditional release' (26%) and 'electronic monitoring' (26%) than Belgians (22% and 16%;  $p < .001$  respectively).

### 3.2. Observed evolutions

As shown in Fig. 4, 'probation' is imposed most often in the period 2005–2014, followed by 'conditional release' and 'community service'. Only in 2014, 'conditional release' was imposed most often, followed by 'probation' and 'community service'. Between 2005 and 2014, the application of 'conditional release', 'electronic monitoring' and 'mediation in criminal cases' for drug offences had significantly increased and the prevalence of 'mediation in criminal cases' doubled.

The prevalence of 'electronic monitoring' increased from 7% in 2007 to 23% in 2013, but in 2014 significantly decreased by about 50% to 12%. The prevalence of 'community services' and 'probation' significantly decreased between 2005 and 2014.

Although, the yearly prevalence of applied ATP for female drug offences (Fig. 5) fluctuated, the overall evolution indicates a significant increase for 'electronic monitoring' applied between 2005 and 2014. 'Mediation in criminal cases' have increased during the period 2005–2011, but decreased the following two years which resulted in a decline for the period 2005–2014. In relation to age (Fig. 6), the prevalence of all ATP applied for people older than 24 years significantly increased over time. Over the same period, the prevalence of non-Belgian citizens significantly increased for 'conditional release', 'community services' and 'mediation in criminal cases' (Fig. 7). For 'probation' and 'electronic monitoring' a more stable evolution is indicated.

## 4. Discussion

### 4.1. Alternatives to prison for drug offences

This study sheds light on the differences in the number of applications between the different types of ATP applied in Belgium. As described above, 'Probation' was imposed most often during the past ten years, followed by 'conditional release' and 'community service'. However, 'probation' decreased and 'conditional release' increased in 2014. During this year, 'conditional release' was imposed most often, followed by 'probation' and 'community service'. This can be a reflection of the evolutions observed for the ATP registered for drug offences among females. Among females, a decrease of 'probation' occurred in the years 2011–2012 and 'conditional release' increased in 2014 after a period of decrease.

The absolute numbers show that ATP for drug offences are in general administered to men, younger age groups and Belgian citizens. These characteristics are largely consistent with Belgian reports describing ATP for crimes in general (Burssens, 2012; Jonckheere & Maes, 2010; Jonckheere & Vanneste, 2009). Proportionally, women are represented more frequently among ATP for drug offences (12%) in comparison with the general prison population, where the prevalence of women is only 4% (World Prison Brief, 2016). This result may support previous findings that female drug offenders are more likely to receive ATP (Gainey et al., 2005) and less likely to be incarcerated (Butcher, Park, & Piehl, 2017; Shumpert & Evans, 2018). First, earlier research pointed out that court officials diminish the culpability of

**Table 1**

Characteristics of people involved in alternatives to prison for drug offences entrusted to the houses of justice, Belgium, 2005–2014.

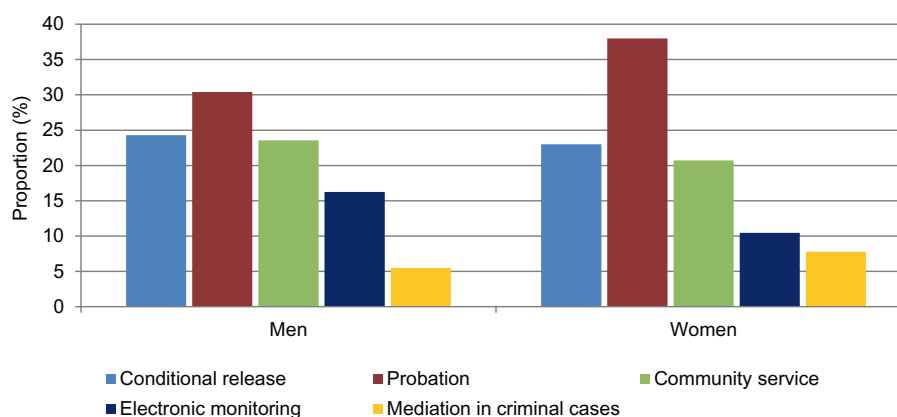
Types of alternatives to prison for drug offences	Characteristics											
	% alternatives to prison	% Nationality <sup>a</sup> (n)		% Sex <sup>a</sup> (n)		% Age groups <sup>a</sup> (n)						
	(n)	Belgians	Non-Belgians	Women	Men	16–17	18–24	25–34	35–44	45–54	55–64	≥ 65
Conditional release	24.2 (12367)	86.0 (8073)	14.0 (1316)	11.4 (1391)	88.6 (10865)	0.0 (6)	41.8 (5156)	36.0 (4445)	15.8 (1945)	5.2 (637)	1.0 (128)	0.2 (24)
Probation	31.2 (15925)	91.2 (12610)	8.8 (1218)	14.5 (2298)	85.5 (13598)	0.0 (6)	36.7 (5840)	41.7 (6630)	16.8 (2672)	4.3 (680)	0.5 (85)	0.0 (4)
Community service	23.2 (11860)	88.2 (8285)	11.8 (1105)	10.6 (1254)	89.4 (10531)	0.0 (5)	42.1 (4989)	38.5 (4566)	13.9 (1644)	4.5 (529)	0.8 (100)	0.1 (13)
Electronic monitoring	15.6 (7938)	81.5 (5794)	18.5 (1311)	8.0 (634)	92.0 (7274)	0.0 (0)	14.3 (1133)	46.7 (3704)	25.2 (2002)	10.9 (862)	2.4 (195)	0.5 (39)
Mediation in criminal cases	5.8 (2943)	93.0 (2435)	7.0 (182)	16.1 (472)	83.9 (2458)	0.0 (1)	48.6 (1427)	36.0 (1056)	12.2 (358)	2.7 (78)	0.5 (15)	0.0 (0)
Total	100 (51033)	87.9 (37197)	12.1 (5132)	11.9 (6049)	88.1 (44726)	0.0 (18)	36.4 (18545)	40.0 (20401)	16.9 (8621)	5.5 (2786)	1.0 (523)	0.2 (80)

<sup>a</sup> Missing values were excluded from the analyses.

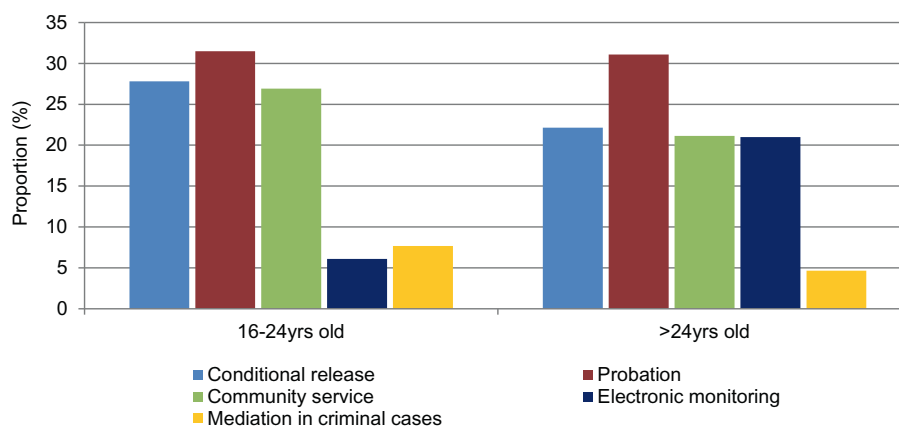
female drug offenders by describing them as victims (Steen, Engen, & Gainey, 2005). Second, judges may easier accept that ATP is a more appropriate approach for women because they are more likely to have more informal social contacts and engagements resulting in more social control and which in the end implies less threat to the community (Stacey & Spohn, 2006; Steffensmeier & Motivans, 2000). Third, related research showed that female drug offenders had significantly lower scores on general and drug specific self-efficacy compared to men. Female drug offenders reported more often to use strategies of seeking social support and accepting responsibility (Pelissier & Jones, 2006). It was reported that female drug offenders would experience a greater feeling of powerlessness that is reflected in more treatment needs and a higher need for support related to family issues, education and employment (Belenko & Peugh, 2005; Grella & Greenwell, 2007; Schamp et al., 2018). Nevertheless, these different types of health and social care are scarce in prison due to limited resources and treatment space (Belenko & Peugh, 2005; McIntosh & Saville, 2016). This can result in more adverse effects for imprisoned female drug offenders and their children compared to men (Butcher et al., 2017). Consequently, incarceration of female drug offenders is considered too costly (in terms of recidivism, but also very high social and financial costs related to health care and child welfare) (Mitchell et al., 2017; Spohn & Holleran, 2002; Stacey & Spohn, 2006; Steffensmeier & Motivans, 2000; Steffensmeier, Ulmer, & Kramer, 1998; Wermink et al., 2015). Hence, female drug offenders report a higher need for protection and support

and are therefore more likely to be diverted from incarceration compared to male drug offenders (Grella & Greenwell, 2007; Stacey & Spohn, 2006).

With regards to age, previous findings suggest that being older has a negative effect on receiving ATP (Gainey et al., 2005; Ryon, Chiricos, Siennick, Barrick, & Bales, 2017). This can be partially supported by our results. The relative comparison between the age groups shows that young drug offenders (16–24 yrs. old) receive more often ATP at prosecution level than older drug offenders. Several reasons may explain why older offenders are less likely to receive ATP. First, ATP might focus on young and able bodied people because the learning capacity of older offenders can be judged as decreasing with age. Second, older offenders might be looked upon as more blameworthy and hence are considered more responsible for their behaviour due to their life experiences (Bramhall, 2006). Therefore, older drug offenders can be more likely to spend more time in prison (Shumpert & Evans, 2018). Third, the judicial history of a person might also be a reason why ATP are not applied. Offenders that are prosecuted for the first time at an older age are less common (McGee & Farrington, 2010). Offenders with prior records have been given a second chance, but by choosing to continue to commit other crimes they are considered to be a greater threat to society (Steen et al., 2005). Nevertheless, this study equally shows that the implementations of ATP for older drug offenders increased between 2005 and 2014. A recent study among adult offenders showed that criminogenic needs contribute more strongly to recidivism

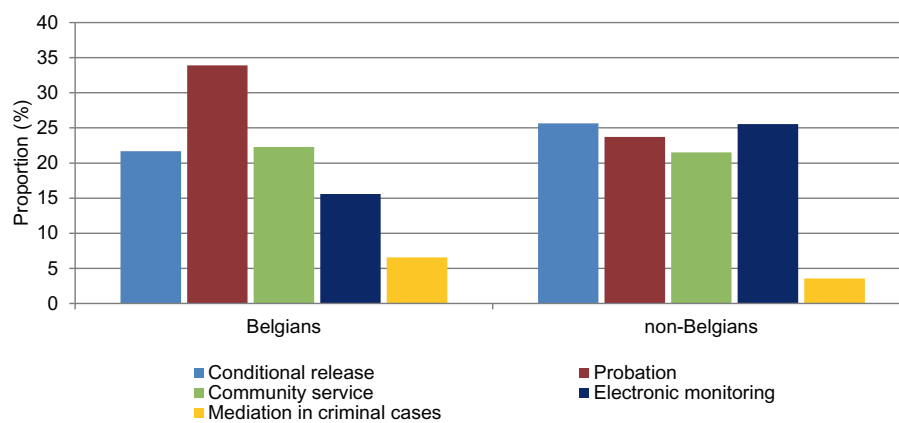
**Fig. 1.** Proportion of alternatives to prison for drug offences, by gender, Belgium, 2005–2014.

Note: the differences between men and women for probation, community service, electronic monitoring and mediation in criminal cases are statistically significant with a p-value < .001. Conditional release has a p-value < .05.



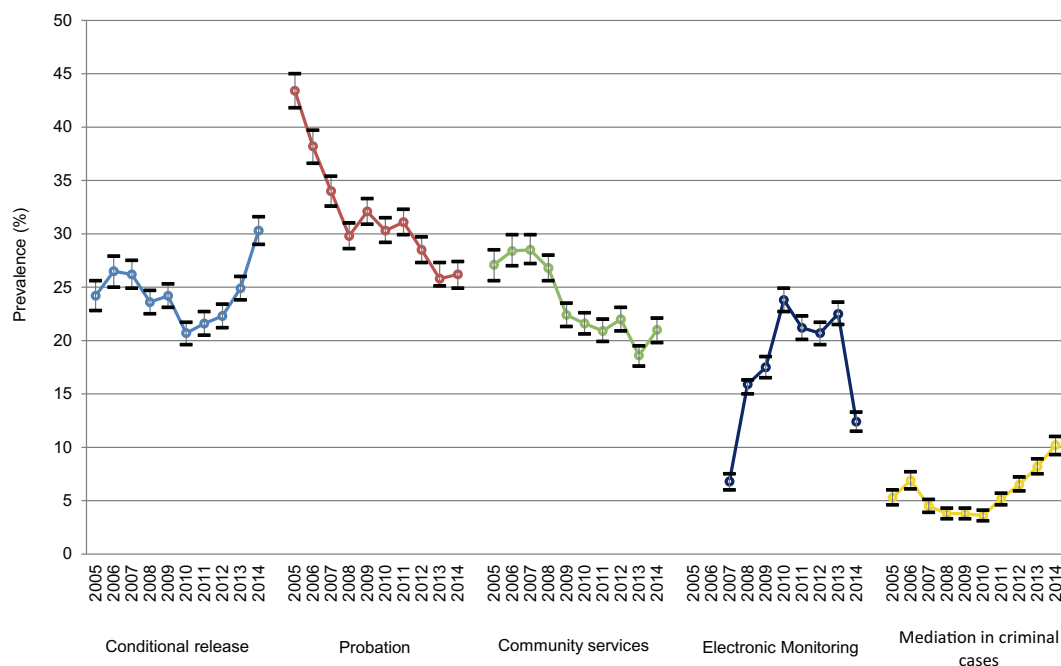
**Fig. 2.** Proportion of alternatives to prison for drug offences, by age groups, Belgium, 2005–2014.

Note: the differences between the two age groups for all types of alternatives to prison are statistically significant with a p-value < .001.



**Fig. 3.** Proportion of alternatives to prison for drug offences, by nationality, Belgium, 2005–2014.

Note: the differences between the two age groups for all types of alternatives to prison are statistically significant with a p-value < .001.



**Fig. 4.** Crude prevalence (95% CI) of all alternatives to prison registered for drug offences by type and year, Belgium, 2005–2014.



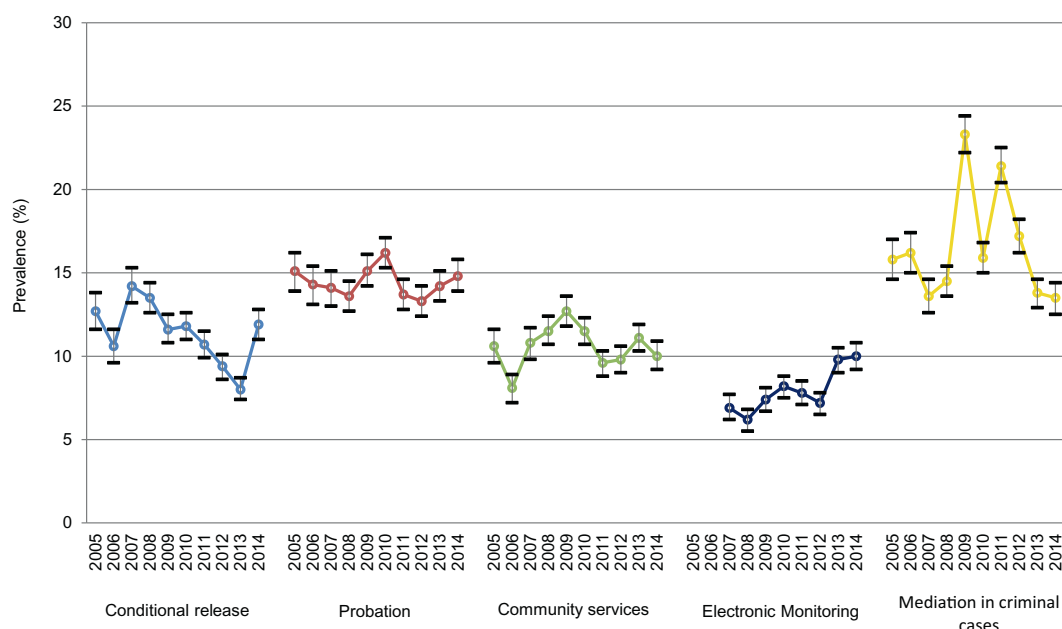


Fig. 5. Crude prevalence (95% CI) of alternatives to prison for drug offences for females by type and year, Belgium, 2005–2014.

among the older age groups. Especially drug offenders who are sentenced to prison have the highest recidivism rate and reoffend also more quickly compared to other type of offences (Spohn & Holleran, 2002). Moreover, this risk of reoffending is the highest among alcohol and drug-related offenders older than 26 years (Spruit, van der Put, Gubbels, & Bindels, 2017). In addition, the prison system is confronted with an ageing population (Maelstaf & Claessens, 2017). Consequently, these recent insights show that diverting older drug offenders from incarceration is still useful and recommended.

The fact that only 12% of the drug-related ATP were administered to drug offenders with a non-Belgian nationality is in contrast with the proportion observed in detention: about 45% of the prisoners have a non-Belgian nationality (Jonckheere & Maes, 2010; Snacken, 2007). Nevertheless, the relative comparison between the group of Belgians

and non-Belgians shows that ‘conditional release’ and ‘electronic monitoring’ were applied more often to non-Belgians. Also the prevalence of non-Belgians increased over time for ‘conditional release’, ‘community services’ and ‘mediation in criminal services’. These results support earlier research findings (merely on ‘conditional release’) that foreign offenders are not necessarily treated in a more repressive way than offenders with a Belgian nationality (Jonckheere & Maes, 2010). The result support that the potential application of ATP is influenced by language problems, absence of sufficient resources (such as income, education and work), residence status and risk for escape (Jonckheere & Maes, 2010; Rosenberg, Groves, & Blankenship, 2017; Wermink et al., 2015). Foreign offenders are also less likely to report the need for social and health related support (Grella & Greenwell, 2007). This can result in a lower likelihood to receive certain types of ATP. In addition, it was

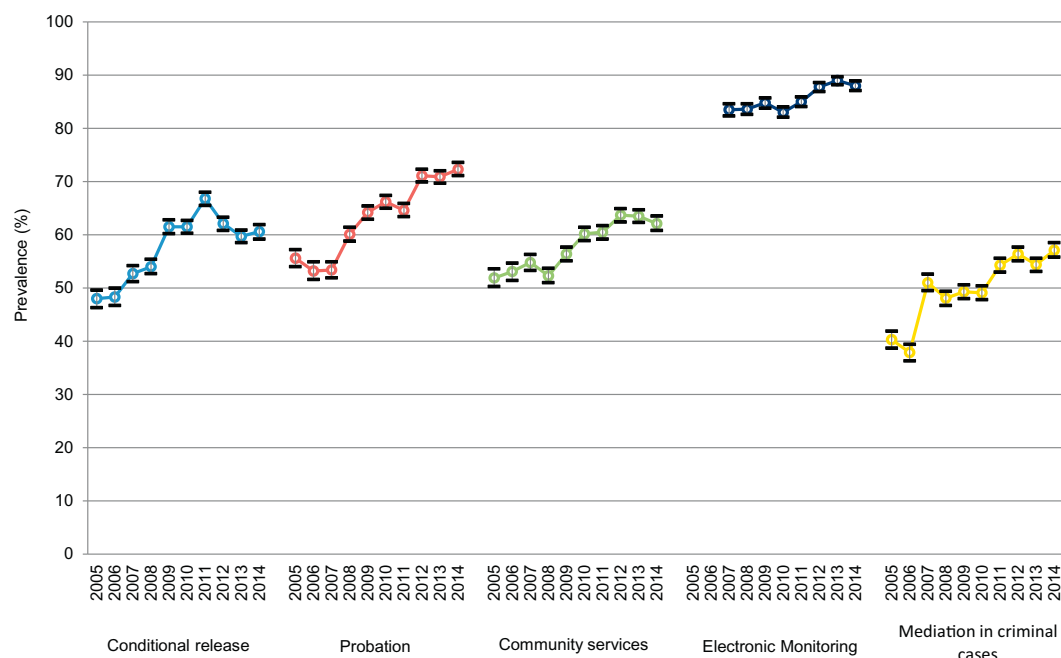


Fig. 6. Crude prevalence (95% CI) of alternatives to prison for drug offences for people aged older than 24 years old by type and year, Belgium, 2005–2014.

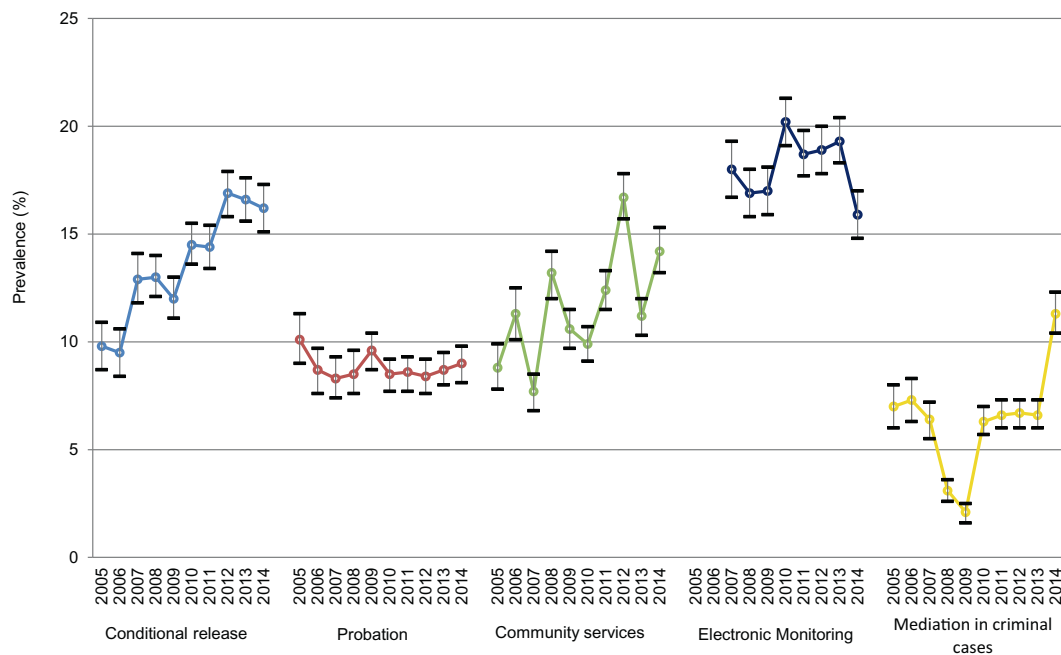


Fig. 7. Crude prevalence (95% CI) of alternatives to prison for drug offences for non-Belgians by type and year, Belgium, 2005–2014.

found that in certain situations court officials are more likely to enlarge the culpability of national drug offenders because they are considered to have enough possibilities to avoid crime, hence potentially resulting in fewer ATP applied for national drug offenders (Steen et al., 2005). These different factors might explain why ‘conditional release’ and ‘electronic monitoring’ were applied more often to non-Belgians and ‘probation’ and ‘mediation in criminal cases’ were applied more often to Belgian drug offenders.

#### 4.2. Critical reflections related to the data that was used

A key strength of the present study is the availability of a ten year period of data via the SIPAR database. The current study explores for the first time the use of the different ATP for drug offences since 2005 which addresses the call for additional research in different jurisdictions (Wermink et al., 2015). The analysis of secondary data such as the data registered in the SIPAR database captures the developments and evolution policy over the past years (Windle, 2010) and reduces the likelihood of selection and response bias compared to primary data analysis (Sorensen, Sabroe, & Olsen, 1996). Furthermore, this secondary data analysis is consistent with earlier European research that examined existing available information (European Monitoring Centre for drugs and Drug Addiction, 2002). Finally, this study also meets the objective of the EU drug action plan to monitor and conduct research about responses to tackle the drug situation at national and EU level (Council of the European Union, 2012).

Despite these strengths, the current research has several limitations that are important to consider. First, the aggregated data doesn't allow to control for confounders or interaction effects. Second, psychopharmacological and acquisitive crimes could not be included as these are not identifiable in the SIPAR database. In addition, the information from several active pilot projects are not systematically registered in the database. Consequently, the analysis was restricted to ‘probation’, ‘conditional release’, ‘mediation in criminal cases’, ‘community service’ and ‘electronic monitoring’. The code also does not allow the separate analysis of the use, possession, trade or import of illicit drugs (Jonckheere & Vanneste, 2009). As the definitions and inclusion criteria used in the database are very specific, the external validity of the study results is considered low. Third, this study only provides insight in

official crime data for the simple reason that not every drug offender is detected by the police, then prosecuted and sentenced afterwards (De Wree et al., 2009; Snacken, 2007). Fourth, as only aggregated data was accessible, it is not possible to determine whether certain ATP were specifically imposed for only one offence. After all, judicial authorities can impose several ATP for one offence (Jonckheere & Vanneste, 2009). Fifth, this database also doesn't possess information about ATP proposals that were refused by drug offenders. Sixth, the classification code of the SIPAR database is currently not in accordance with these from the databases at prosecution and court level (Jonckheere & Vanneste, 2009; Vanneste, Vesentini, Louette, & Mine, 2012). Therefore, it is unknown whether pre-trial detention was applied before an ATP was imposed (Jonckheere & Maes, 2010).

Ideally, a general coordination or integration of the different databases of the Belgian criminal justice system would make it possible to apply a uniform definition for the different levels of the justice system (Lievens et al., 2016). From this perspective, it is recommended that the same codes within the different databases are applied. Individual level data would allow researchers to follow up all relevant cases throughout the different levels of the justice system.

Next, to obtain a better insight in the distinction between drug possession, drug trafficking and dealing and/or the concrete interpretation of the specific ATP, a more detailed registration of ATP for drug offences is recommended. This would enable accurate follow-up which in turn would lead to a greater understanding of the application of ATP in practice (Beyens, 2002) and this would give more attention to the rehabilitation and reintegration efforts for people involved in drug offences.

#### 5. Conclusion

The results of the secondary analysis of drug-related alternatives to prison in Belgium over a period of ten years highlight some evidence of differences in punishment judgements by age, gender and nationality (Wermink et al., 2015). As described above, these demographic characteristics continue to be indicative for perceived threat, danger and culpability of the offenders. Age, gender and nationality contextualize the decision making process indirectly and have a strong effect on sentences imposed because perceived threat, danger and culpability are

key focal concerns of criminal justice actors (Stacey & Spohn, 2006; Steen et al., 2005; Steffensmeier et al., 1998). Apart from legal variables, these results show that also extra-legal variables are guiding judicial actors in their sentencing decisions (Ulmer & Johnson, 2004). This seems especially the case for drug offenders (Rodriguez, Curry, & Lee, 2006). These results may stimulate the debate about the need for more consistency in the application of ATP and the usefulness of developing officially recognized sentencing guidelines, which do not exist so far in Belgium and many other countries (Monsieurs, Vanderhallen, & Rozie, 2011).

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## Declarations of interest

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